

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

IN RE:

BRIMONIDINE PATENT LITIGATION

MDL Docket No. 07-md-01866 GMS

**MOTION FOR APPOINTMENT OF LEAD COUNSEL**

Pursuant to the Court's November 15, 2007 Order (D.I. 8), Plaintiff, Allergan, Inc., through its undersigned counsel respectfully moves the court for an order appointing Fish & Richardson P.C., as lead and liaison counsel in the consolidated action and any subsequently filed related cases. Fish & Richardson is willing to commit to this responsibility, has professional experience in this type of ANDA-related patent litigation, and has access to sufficient resources to advance the litigation in a timely manner. Moreover, unlike some other multidistrict cases, here there is only a single plaintiff, so there will be no problems regarding coordination or cooperation. If the Court wishes, Allergan can designate a particular Fish & Richardson attorney or attorney(s) as lead counsel.

Dated: November 30, 2007

FISH & RICHARDSON P.C.

By: */s/ William J. Marsden, Jr.*

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 30, 2007, I electronically filed MOTION FOR APPOINTMENT OF LEAD COUNSEL with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following counsel.

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I hereby certify that on November 30, 2007, I have mailed by first class mail the foregoing document(s) to the following non-registered participants:

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**[PROPOSED] ORDER**  
**FOR APPOINTMENT OF LEAD COUNSEL**

IT IS HEREBY ORDERED that Fish & Richardson P.C. is hereby appointed lead  
and liaison counsel for Plaintiff ALLERGAN, INC.

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Chief Judge Gregory M. Sleet